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| 10/044,291 | 01/10/2002 | Timothy G. Nye | 3014.1005-001 | 6857 |
| 21005 7590 09/04/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133 | | | EXAMINER TODD, GREGORY G | |
| | | | ART UNIT 2157 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,291

Applicant(s)

NYE, TIMOTHY G.

Examiner

Gregory G. Todd

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/22/07, 3/26/07, 1/4/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed, 14 June 2007, of application filed, with the above serial number, on 10 January 2002 in which claims 1, 4, and 24-48 have been cancelled, and claims 49-59 have been added. Claims 49-59 are therefore pending in the application.
2. Examiner thanks Applicant for providing support in the specification (by paragraph number) for "a searchable index of geographically bounded content" creation. However, there are no paragraph numbers in the specification, only page numbers, thus paragraph number reference is not useful or tangible. Applicant further has not provided support for specification reference for other limitations added in claim 49, such as using a tablet device and being offline.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tablet device, searching without the computer network, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 56 recites the limitation " the attribute bounded request " in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 58 recites the limitation "claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2157

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 49-57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein et al (hereinafter "Himmelstein", 2001/0011270) in view of Culliss (hereinafter "Culliss", 6,182,068).

As per Claim 49, Himmelstein teaches a method for creating an attribute bounded network of computers comprising the steps of:

creating and maintaining a list of attribute bounded electronic addresses representing a plurality of indexable electronic documents, on a computer network, that are associated with a geographically bounded region (at least paragraph 18-21; index with geocoding);

identifying a plurality of computers associated with the geographically bounded region (at least paragraph 70-75);

in response to receiving a geographically bounded request from one of the computers, assigning one or more geographically bounded electronic addresses from the geographically bounded list (at least paragraph 70-75; search query);

sending the assigned geographically bounded electronic address to the requesting computer, where the requesting computer processes the assigned geographically bounded electronic address to index one or more electronic documents

Art Unit: 2157

that are obtained through the assigned geographically bounded electronic address (at least paragraph 70-75; search results);

creating a geographically bounded searchable index of the electronic documents that are obtained through the assigned geographically bounded electronic address (at least paragraph 25-32; spidering and indexing).

Himmelstein does not teach storing the geographically bounded searchable index on a tablet device, where the geographically bounded searchable index is accessible offline without accessing the computer network. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Culliss. Culliss teaches user search queries being performed offline (at least col. 11, lines 11-33). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Culliss' offline search into Himmelstein as this would enhance Himmelstein's system to be performed when the user is in the vicinity and not connected online to the network. It would further be obvious to use a tablet. OFFICIAL NOTICE is taken that using a tablet is very well known in the art as another compatible device that acts and performs as a computer and/or laptop device and using so in an offline state is a very well known use for a tablet device and computers in general.

As per Claim 50. The method of claim 49 further comprising receiving the processed result from the requesting computer (at least paragraph 25-32; 70-74).

Art Unit: 2157

As per Claim 51. The method of claim 49 wherein the geographically bounded region is automatically generated based upon a physical address selected from at least one of a group consisting of: a city, a zip code, a longitude, a latitude, an altitude, a telephone area code, an informal destination and an area relative to a location (at least paragraph 30-32).

As per Claim 52. The method of claim 49 wherein the attribute is a geographically bounded region based upon a computer address (at least paragraph 70-74).

As per Claim 53. The method of Claim 49 wherein the attribute is a topical boundary (at least paragraph 32-47).

As per Claim 54. The method of claim 49 wherein the network is the Internet and the electronic addresses are represented as Uniform Resource Locators (at least paragraph 70-74).

As per Claim 55. The method of claim 49, wherein the step of assigning includes overlapping the assignment of electronic addresses to multiple requesting computers (at least paragraph 82-101).

As per Claim 56. The method of claim 49 wherein assigning one or more geographically bounded electronic addresses from the geographically bounded list further includes:

matching at least one of the electronic addresses in the geographically bounded list to at least one attribute from the attribute bounded request; and in response to determining that no electronic addresses in the geographically bounded list matches

Art Unit: 2157

any attribute from the attribute bounded request, assigning an electronic address from the geographically bounded list that does not match the attribute bounded request from the requesting computer (at least paragraph 70-84).

As per Claim 57. The method of claim 49 wherein processing step comprises: spidering, on the requesting computer, the distributed electronic address (at least paragraph 25-27).

As per Claim 59, Himmelstein teaches a method for creating an attribute bounded network of computers comprising:

identifying a plurality of computers associated with a geographically bounded attribute to create a geographically bounded network of computers (at least paragraph 70-75);

maintaining a list of geographically bounded electronic addresses representing a plurality of indexable electronic documents that are associated with the geographically bounded attribute (at least paragraph 18-21; index with geocoding);

assigning electronic addresses from the geographically bounded list to computers in the geographically bounded network of computers (at least paragraph 70-75; search query); and

in response to receiving the assigned electronic addresses from the geographically bounded list, indexing by computers in the geographically bounded network of computers, one or more electronic documents having geographically bounded electronic addresses (at least paragraph 70-75; search results).

creating a geographically bounded searchable index of the electronic documents (at least paragraph 25-32; spidering and indexing).

Himmelstein does not teach storing the geographically bounded searchable index on a tablet device, where the geographically bounded searchable index is accessible offline without accessing the computer network. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Culliss. Culliss teaches user search queries being performed offline (at least col. 11, lines 11-33). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Culliss' offline search into Himmelstein as this would enhance Himmelstein's system to be performed when the user is in the vicinity and not connected online to the network. It would further be obvious to use a tablet. OFFICIAL NOTICE is taken that using a tablet is very well known in the art as another compatible device that acts and performs as a computer and/or laptop device and using so in an offline state is a very well known use for a tablet device and computers in general.

7. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein in view of Culliss as applied to claim 49 above, and further in view of Malone et al (hereinafter "Malone", 2002/0038348).

Himmelstein and Culliss fails to teach wherein the plurality of computers uses peer-to-peer technology to form a virtual community associated with the geographically

Art Unit: 2157

bounded region. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Malone (at least paragraph 33, 69). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Malone's peer to peer network into Himmelstein and Culliss' system as Malone teaches p2p networks being used for application networks with distributed information, similarly to Himmelstein.

Response to Arguments

8. Applicant's arguments with respect to claims 49-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2157

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Previously cited Malone et al, Dunworth et al, Carrasco et al, Lee et al, Jindal, and Logan are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

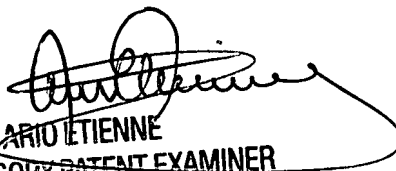
Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

Technology Center 2100


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